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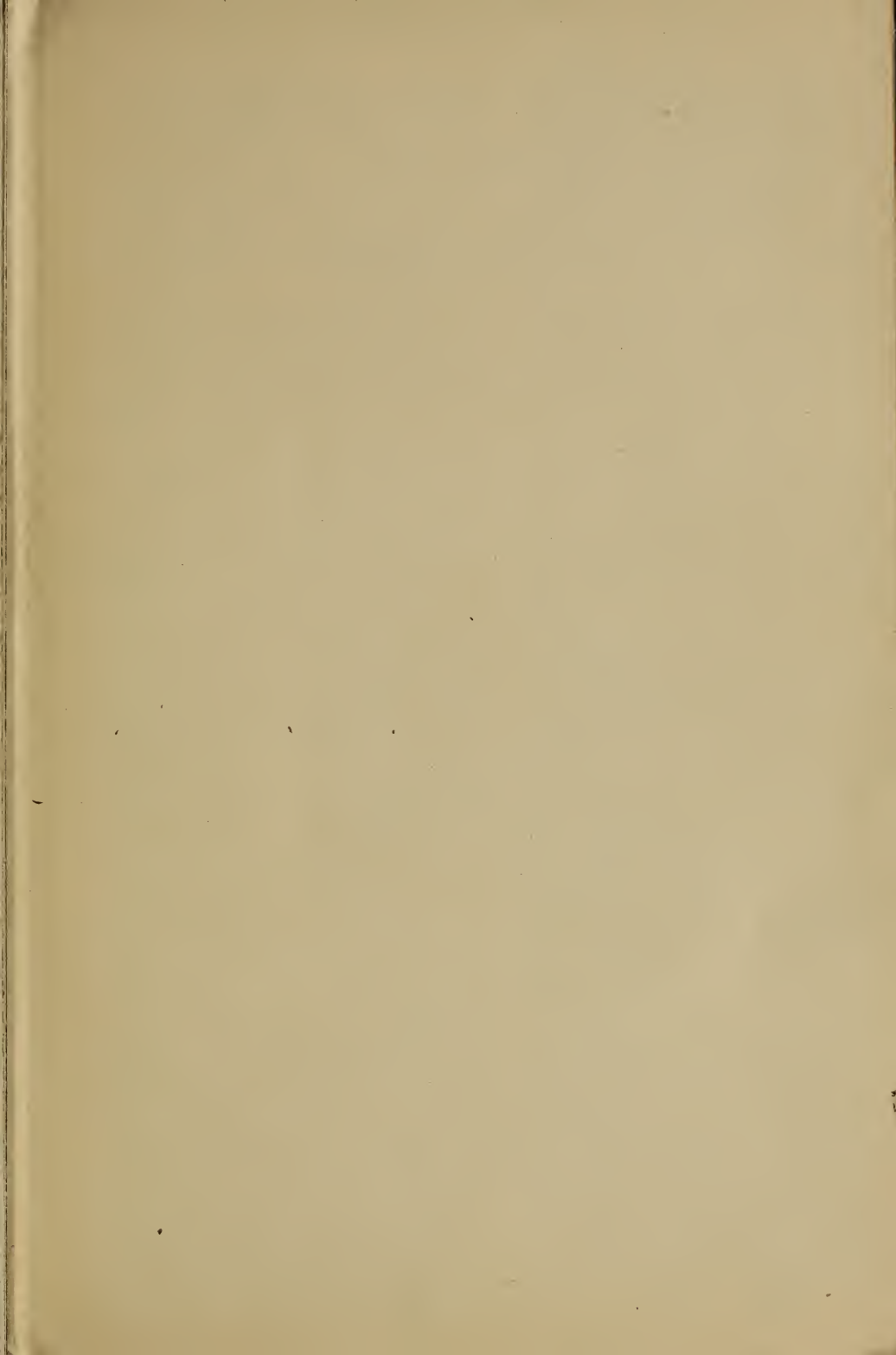


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SPEECH OF MR ROANE, OF VIRGINIA,



IN SENATE, FRIDAY, FEBRUARY 15, 1839.

ON THE BILL TO PREVENT INTERFERENCE OF CERTAIN FEDERAL OFFICERS WITH ELECTIONS.

From the Evening Post of March 16. 1839.

We publish this day the speech of Mr. ROANE, of Virginia, which has attracted much attention, and in which the political course taken by Mr. Rives and the Conservatives who have acted with him is subjected to a severe examination.

Mr. Roane disposes, in a very felicitous manner, of the dogma upon which the Conservatives have harped so much, "that it is the duty of the government to take care of the people,"—a dogma which they have substituted for the great democratic principle, that it is the duty of the people to take care of the government. From the political sophism of a paternal government, from the notion that the government is to take care of the people, as a guardian of his ward,—from the doctrine that the legislator is the judge of what is best for the people, and that the people are not the judges for themselves, have flowed almost every species of tyranny and oppression that have darkened the annals of the world.

Mr. Roane exposes with equal skill the pretence of the conservatives to an exemption from party influences. The spirit of party, in its better sense, is the mutual understanding, sympathy and co-operation of men who support the same great general principles. From such a spirit, Mr. Roane, while he claims the right of an honest man to differ on particular points with his political associates, does not pretend to be free. But he shows in strong light the hollowness of the pretence set up by the conservatives that they are not party men, while they are banded among themselves in the most virulent and indiscriminate opposition to the party of which they were lately members. The most fierce and cruel of the Barbary Corsairs are renegade Christians.

But one of the best parts of the speech is that where Mr. Roane holds up, to the eyes of the apostate, the ancient creed which he now denies and whose followers he now persecutes. The declaration made by Mr. Rives in 1834, that the true character and destination of our government is that of a simple solid hard money government—and that one of the most desirable of all reforms is the meas-

ure of requiring the government dues in specie, was expressed in terms too strong to be now explained away. Nor did Mr. Rives attempt to explain it. We have added to the speech a sketch of the debate which followed, in which the language of Mr. Rives is that of helpless complaint, and in which he offered no palliation for the gross inconsistency of fiercely condemning those who now pursue the policy which he himself so lately solemnly recommended. Mr. Rives, however, admitted the difference which existed between him and Mr. Roane, by declaring that he was not himself a democrat. The acknowledgment was needless, for no conservative can be a democrat.

Mr. ROANE rose and said:

I desire, Mr. President, to address the Senate this evening. I have purposely left my own seat, come round to this side of the chamber, and occupied the vacant chair of the Senator from Mississippi, [Mr. WALKER,] now absent, in order to be near my friend from Michigan, [Mr. NORVELL,] whom I wished to persuade to yield to me his just title to the floor. He had, on one or two previous occasions, yielded it to others; and but for peculiar circumstances, I would not have now appealed to his liberality. I most sincerely thank him for generously yielding to the peculiar considerations I have presented to him. I am aware, sir, that at this late hour of the evening,—[Here propositions were made to adjourn, if Mr. ROANE desired it.] He said, no; he hoped that the Senate would not adjourn, but would permit him to proceed *this evening*. Yes, sir, this 15th day of February, of all the days in the year, is that on which I desire to be heard. This day emancipates me from those considerations of delicacy which, for some time past, have restrained me from saying what I now consider myself free to say, however painful it may be to say it.

Mr. President, a stern sense of that duty which I owe to myself, to those who sent me here, and to those with whom I am here associated in political feelings and principles so congenial to my own, will not permit me longer to maintain that silence which, at all times, I so anxiously desire to observe in this august assembly. My situation here has been, for a long time past, one of pain and delicacy: of pain, because, on the great momentous questions of national policy which have been agitated in this chamber from the first moment I took my seat in it, I have been constrained, by every dictate of my judgment, every feeling of my heart, and every consideration of patriotism to differ totally from my colleague, with whom I had so fondly and sanguinely, and, I think, justly expected to co-operate on all national, political, and party questions. Finding, to my pain and sorrow, that such co-operation has not existed, I have heretofore, for reasons which will be obvious to the Senate, to the country, and to my colleague, content-

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ed myself with giving a silent vote. Those reasons no longer exist. That delicacy, growing out of the peculiar relation which my colleague has for some time past borne towards our mutual constituents, has been this day removed by the action of the General Assembly of Virginia; and I feel that malignity itself cannot now charge me with an effort to intermeddle in that relation. Besides, sir, my colleague has but very recently, fully "defined his position." The course which he has recently hastened to take, the time which he has selected, and the zeal, to say nothing of the temper, which he has manifested in defining his position, would render a longer silence on my part, obnoxious to the suspicion that I assented to his views, or was incompetent or afraid to utter a dissent. Sir, I differ from him as wide as the poles; and, in expressing that dissent, I take leave, in his own strong language, to say that I too am an "unterrified Senator of the unterrified Commonwealth of Virginia," and mean this evening, with the blessing of God, to "define my position" in characters which "he that runs may read." There shall be no doubt about it; no equivocation, no mental reservation, on non-committalism, shall, with my consent, obscure it. I define it, sir, not because I believe that a human being who knows me well can doubt it, but because those who never knew me, and those who are to come after me, when adverting to this memorable chapter in our national history, in which it has been my destiny to bear a part, might, peradventure, draw improper inferences from my total silence. I do not object, sir, to the time my colleague has selected to define his position. The General Assembly of Virginia, my immediate constituents, and whose servant I am, are now in session, and watching with a scrutinizing eye our deliberations in this chamber. To that Legislature—to a Whig Legislature, as it has been reputed to be—I boldly define my position. In these days, when novelty and change are all the rage, I can have no hope that the definition I shall give can carry with it the pleasure which that given by my colleague will convey to those for whom it was intended. Of this I am certain, that it will lack one of the best ingredients of every pleasure—surprise! I dare say that my position will be found to be the same plain, old fashioned, and, I would fain believe, straightforward one which I have held from the first moment that I entered into the service of the people. I have no highland fling to throw off, no ground and lofty tumbling with which to amuse, and no brilliant somerset with which to delight and astonish any person. Mr. President, if I should speak less of the bill, which is the immediate subject of deliberation for the Senate, than of other matters, I find my apology and excuse in the many examples which have been set me in this chamber, and in the comity invariably extended by the Senate to its members. With this introduction, and with a view that I should not seem to have been inattentive to the important, the vital bill now on your table, I beg leave to make a few remarks in regard to it.

Sir, I agree with my colleague in regard to that bill, only so far as he represents it to be one of great and of pervading importance. None could be more so. I might well leave the report of the Committee on the Judiciary, which has, in a masterly manner, exposed the dangers of this bill, to the luminous speech of its author, the honorable Senator from New Jersey, [Mr. WALL,] in defence of its positions; and the bill itself, and the arguments in its favor, to the masterly, and, in my opinion, unanswerable speech of the honorable Senator from Pennsylvania, [Mr. BUCHANAN.] Any thing from me now, would be but a vain attempt to "add a perfume to the violet." But, sir, I differ so totally and entirely from my colleague on this question, that I cannot, and will not, forbear to notice some of his points. And, sir, first and foremost, I beg leave to say, that I utterly differ from him in the doctrine he urges in defence of this bill, and has often pressed on other occasions—of the "duty of the Government to take care of the PEOPLE." Sir, I repudiate and utterly deny any such doctrine.

It is at war with the genius of our institutions—it is at war with the spirit of the Constitution—it is at war with all my observation and understanding of the practical operation of our Government, from the year 1789, to the present moment. It was the intention of those who framed it, to make this, as nearly as possible, a Government of the people, identified with them, and finding its only support in their virtue, affections, intelligence, and wisdom. The doctrine, sir, that it is the duty of the Government to take care of the people, is a doctrine much better suited to that country which has a "king that can do no wrong," and a legislature that is "omnipotent," than to this country, where all the power of the Government is granted by the people; and that power not specifically granted, is specially reserved to them. Sir, England has been glorified in this chamber, and held up as the fountain of our liberty, and the proper model for our imitation. I will, by-and-by, touch upon that view taken by my colleague; for the present I will only remark on this one great essential difference between the liberty of the people of England and this country. It is this: That all the liberty which the people of England enjoy, is by grants forced and extorted from their Government; whilst all the power possessed by the Government of America, has been cautiously and sparingly granted by the people, who retain to themselves all that is not plainly and clearly granted. Sir, I acknowledge not this doctrine of the "duty of Government to take care of the people." There is no knowing the dangers and excesses to which it might not lead. I adopt, as my creed, precisely the reverse of such a doctrine, and say that it is the duty of the people to take care of their Government. The Government belongs to them, and not they to the Government. So much, sir, hastily, for this point.

Sir, what is the bill on your table? It proposes to make it highly penal for certain persons holding offices under the General Government to give their opinion, except by a vote at the polls, about any public election whatever, whether for the General or State Governments!! And this bill is advocated by my colleague! Sir, I do most cordially agree with my honorable friend from Pennsylvania [Mr. Buchanan] when he calls it a gag law, and pronounces it to be worse than the "sedition law." That law went to abridge the freedom of the press, and permitted the truth to be given in evidence, and this goes directly and openly "to abridge the freedom and liberty of speech," which is so sacredly guarded by the Constitution. "None of these enumerated office holders," says the bill, "shall persuade or dissuade any elector to give, or not to give, a vote!" Persuade, sir, means to advise, and advice is most frequently the mere expression of opinion. And, sir, we are told that one hundred thousand freemen of America are to be put under the ban of this odious law, and subjected to the surveillance of the million of base informers who, by it, are to be rewarded with money for eavesdropping, and distorting and reporting the generous impulses of the freemen of your States, to whom alone is left the power to legislate on the great right of suffrage. There is not a State in this Union that has not legislated on it; that has not passed laws to protect its freedom, and to punish its abuse.

But, sir, why is it that this bill has not embraced all the officers of the General Government? Why has it omitted the highest, who, from their station, their talent, and frequently their wealth, might be supposed to have influence on their countrymen? It has assailed those who, its advocates say, owe their bread to the Government. Yes, sir, we have heard a great deal about custom-house officers, about weighers and gaugers and tidewaiters, as if their "persuasion" or "dissuasion" was to control the destinies of elections. Sir, when we see men filling the second most elevated station in the world interfering in elections—nay, sir, endeavoring to promote their own, to the very highest station, it is mockery indeed to pass a law to muzzle, to gag and silence weighers, gaugers, tidewaiters, and quilldrivers!! And at last, sir, what is, or has ever

been, the power and influence of these "legions," these "Prætorian bands," as my colleague calls them. In the cities, where Government officers are most numerous, the Administration has been defeated. Look to New York, Boston, Philadelphia, Baltimore, and Richmond. Indeed, sir, look throughout every village even, where "*two or three are gathered together*" in commerce, and you will see how impotent are all your public officers against the allcorrupting power and influence of money; and yet, sir, we cannot prevail upon those gentlemen, who are willing to abridge the freedom of speech of these poor impotent public officers, to aid us in any effort to rescue the Government and the people of this country from the foul and cruel dominion of associated wealth—of monopolies, of banks. But what does the experience of by-gone times say about the dangerous and omnipotent influence of these public officers—these *train-bands*, these *cohorts*, and such names, with which they are designated? Surely no one will say that it was by their mighty influence that Washington Jefferson, Madison, and Monroe were kept in office for eight years! And how was it, sir, that the elder and the junior Adams each went by the board, and were merged, and drowned, and sunk forever in the ocean of popular indignation? Their "legions" of public officers were impotent to save them. All their patronage was of no avail.

But why, sir, should I be assailing this bill on these details, when it is to its *principles* I object? Why should I attack it on the facts I have stated, when, if they were all untrue and unfounded, I should be opposed to it. I am opposed to it, sir, because it is *unconstitutional*. I am opposed to it because the Congress of the United States have no right to pass any law "*abridging the freedom of speech*." Nay, I go further, and say they have no right to pass any law abridging the freedom of election, which great subject is left with the *States*; and it is of the very essence of that freedom, the "*right of freely examining public characters and measures, and of free communication among the people thereon*." But, sir, this truth is gotten over on the present occasion by a view which, as far as my memory serves me, was not presented by any of the *sagacious and bold* defenders of the "*sedition law*." That view is taken by my colleague. It is, that the office holders are no portion of the people, embraced by the provisions of the Constitution, or whose rights are defended by the celebrated report of Mr. Madison! He informs the Senator from New Jersey [Mr. WALL] that he does not understand that great work; that he has read it to but little advantage if he does not see that *public officers* are no portion of the *people*, contemplated in that unequalled defence of constitutional right! I, sir, like my friend from New Jersey, have also read this glorious document, (holding Madison's report in his hand,)—this little book, which I once heard, *John Randolph* call his *political BIBLE*—to but little purpose, if one hundred thousand free citizens, (the number mentioned by my colleague,) who have rendered themselves respectable enough in their various callings of life, to become public officers, are at that moment cut off from the great constitutional rights secured, without exception, to all the *people*! Officers of the Government not a portion of the *people*! The proposition is startling; it is, to me, monstrous! I hardly know how to refute it. But, sir, I turn to this sacred paper, the Constitution. You will there find that the word *people* is mentioned six times, and six times *only*. I will be as little tedious as possible; but let us look into it. The first time the word occurs, is in the preamble: "We, the *PEOPLE*," &c. "*to secure the blessings of liberty to ourselves and posterity*," &c. Now, sir, it is evident that no office holders of the Government could be members of the convention that created it; yet, sir, if my colleague's doctrine is correct, that the *office holders* are not a portion of the *people*, it would inevitably follow that those men who now hold offices under the General Government, who are the "*POSTERITY*" of the then *people* of the United States, are not entitled to the "*blessings of*

liberty," which that charter intended to secure to "*themselves and posterity*." The second occurrence of the word is in the 2d section of the 1st article: "*Members, &c. shall be chosen every second year, by the PEOPLE of the several States, and the electors in each State*," etc. Now, sir, in this place the *people* are mentioned without restriction; and such of them as are *electors*, by the *State laws*, are secured in all the qualifications granted by the laws of the State; and there is no law in any State, that I know of—certainly not in Virginia—that deprives Federal officers of any of the rights of other electors. The third instance occurs in the first amendment to the Constitution: "*Congress shall make no law abridging the right of the people peaceably to assemble*," etc. Now, sir, if the *officers* of the Federal Government are not a portion of the *people*, they lose this inestimable privilege. The fourth occurrence of this word *people*, in our charter, is in the second amendment: "*A well regulated militia, etc. The right of the people to bear arms shall not be questioned*." Who does not perceive that, under this extraordinary doctrine advanced by my colleague, no public officer embraced in this bill can keep a *firelock*? The fifth time this word *people* is written in the Constitution, is found in the fourth amendment: "*The right of the people to be secure in their persons, houses papers, and effects, against unreasonable searches and seizures, shall not be questioned*." What security have the poor public officers against search and seizure, if this monstrous doctrine, that *they* form no portion of the *people*, is to prevail? The sixth and last time in which the word *people* is to be found in the Constitution, is in the tenth amendment: "*The powers not delegated to the United States, etc. are reserved to the States respectively, or to the people*." I am sorry, Mr. President, to have been thus tedious. Who, sir, does not see from this plain, simple reading of the Constitution, that an officer of this Government, who ought to feel at least that he is a freeman, is cut off from every right which this Constitution meant to secure to freemen, if this new and astounding doctrine be true? But, Mr. President, I must pass to other points, as I have much to say on other matters, besides this bill.

My colleague says "he does not look upon a report against this bill as the work of an individual, but as a concerted system to sustain the Executive by the PARTY!" Strange language this from that source. May I ask him what he means by "the party?" What party, sir, does my colleague speak of? It is too early for him to be talking with *emphasis* about "the party." Such language may evince his feeling towards the "Executive" he is so distressed to see receiving support, but I must be permitted to say that it can have no further effect. It is "*ad captandam*," and can only be intended to aid in breaking down this Administration. My colleague asks the Senator from New Jersey, [Mr. WALL], with a flourish, if "we are to understand that Democracy will bear an infusion of Federalism?" I, sir, answer yes. Yes, sir, true Democracy will bear an infusion of that Federalism which, when our country is warring with a foreign or a domestic foe, girds on its armor, and, sword in hand, goes forth to the battle field to encounter its foes, instead of convening at *Hartford*, or any where else, to sell the country to the invading enemy. Good Democracy will bear an infusion of that Federalism which, in all times, will advocate an sustain the unalienable right of man, the freedom of *conscience*, the freedom of the *press*, and of *speech*. My Democracy will bear an infusion of all that; and if my colleague's will bear an infusion of the principles contained in the bill under discussion, I can only say that his is a very different Democracy from mine, or from any I had ever supposed him to possess. I consider this bill much worse than the memorable sedition law. That assailed the freedom of the press, and permitted the truth to be given in evidence. But this, sir, is a *gag law*; it is a direct violation of the Constitution, because it abridges the freedom of speech, and is demoralizing in

its tendency, by creating a host of miserable spies and informers. My colleague objects to the able report of the committee, because, he says, it *intimates* that such a law might be *resisted*, and asks who would resist a law passed with all the constitutional forms I say to him, sir, that I would. I say to this Senate, and to the world, that I would not regard constitutional forms when the substance was wanting—the Constitution violated, and my liberty usurped—*forms!* talk not to me of *forms!* The alien and sedition laws had all the *forms* of the Constitution! and had I been on the theatre then, I would have resisted them to any and every length; *if reason and truth* had not timely prevailed over *tyranny and injustice*. And, sir, should the odious bill on your table become a law, and I ever become a public officer, there is no torture, no rack, which the inventive genius of cruelty could devise, which should compel me to relinquish the rights which it proposes to usurp.

My colleague complains of some comparison which has been made between the officers of the Government and bank officers; he contrasts them, and gives the preference to the latter, as being *State officers* inasmuch as *banks* are "*State institutions*;" and he asks if it is Democratic to decry them? He further tells us that Mr. Jefferson revered "*State institutions*," therefore, of course, Mr. Jefferson revered *State banks!* Sir, I have no hostility to banks; I would do them no violence or injustice; let them go on and trade, and speculate, and shock and convulse the country from time to time, I have nothing to say; but in the sense which my colleague means, I totally deny that they are State institutions. On the contrary, unless they are checked by legislative power, or unless, as has ever been my hope, the evil shall cure itself, they will overshadow, and ultimately overawe, your legitimate, constitutional, State institutions—the departments of the Government.

My colleague has informed the nation that he was the *protege* of Mr. Jefferson. I stand here to rescue that great Apostle of Liberty from the imputation that he revered these State institutions—these State banks. I undertake to say that not a word that ever escaped his lips, or his pen, warrants the imputation; on the contrary, he thought them inimical to liberty and to virtue. In the many volumes which John Taylor of Caroline wrote, there is scarcely a page on which he does not denounce them; and Mr. Jefferson has solemnly said, that that great man had never written a word to which he did not give his assent. He said he had read his writings annually, and recommended to the rising youth of the country to do the same. But my colleague says that "*State rights*" "*implies jealousy of Executive power!*" It is strange to me how any person professing, as he does, to understand and to admire this little volume, (Madison's report,) can have fallen into so gross an error. I have only time to refer him to that report, to prove how utterly erroneous is the position. It inculcates on the States a jealousy of their reserved rights against *all and every* department of the General Government, and utterly *repudiates* the idea of special and exclusive danger from the *Executive*; and who does not know Mr. Jefferson's opinions on this subject? He speaks of danger to State rights from all the departments of the Federal Government, but says: "*The judiciary is the subtle corps of sappers and miners, working underground to undermine the foundations of our confederated fabric.*" No, sir; this *exclusive* jealousy of *Executive power* is not sustained by the Constitution, or any of its contemporaneous expounders. It is a part of *modern* machinery, worked on the prejudices of the people by those who want the very power they thus repudiate.

My colleague says, "officers of the Government are not officers of the people." This to me, is a new and strange doctrine! Whose officers, I ask, are they? Whose officer is he at this moment? whose officers was he when he was Minister to France? Why, surely, the officer of the people of the United

States. According to his doctrine, that no man not immediately selected by the people is their officer, they have no other officers of the Federal Government except the members of the House of Representatives; for even the President and Vice President are chosen indirectly by them. We are all officers of the people, chosen indirectly by them to act for them, and are directly responsible to them at the great and controlling bar of public opinion.

My colleague speaks of that "*atrociously corrupt doctrine*," that "*to the victor belong the spoils.*" Now, Mr. President, I have never paid the least regard to many of these phrases, seized upon by party newspapers and electioneers, and often perverted from their true sense. The one quoted, and that about "*glory enough for one day*," and hundreds of others, are unworthy of attention. I know not to whom is attributed the above expression; the first time I ever saw it in print over a responsible signature, was in a letter signed by the Senator from New York, [Mr. TALLMADGE.]

[Here, Mr. T. said it was marked with inverted commas.]

Be it so, said Mr. ROANE; I know not whence came the quotation, or whether the gentleman used it at the time in irony, or derision, or approval. Let it all pass.

My colleague says, "if Mr. Jefferson did not dismiss from office, it was because no instance of interference in elections occurred." Now, sir, I can never forget the hue and cry raised against that great man, for turning out the Federalists whom his predecessor had foisted into every department of the Government. When complaints were loudest against him for so doing, he asked what he was to do? for that "*none resigned, and but few died.*" Gen. Washington had declared that "*it would be a sort of political suicide to put into office men whose political tenets were adverse to the measures of the General Government.*" What would that immortal patriot have thought of the odious provisions of the bill before us? But Mr. Jefferson's circular to public officers has been read and appealed to in justification of this bill. That circular only speaks of the public officers so interfering as to *control* the free exercise of the elective franchise. It speaks not of *advice* or *persuasion*. No, sir; that great man, who thought there was no danger to our institutions, as long as "*reason and truth* are left free to combat error," could never have sanctioned this bill. His remedy was to turn out faithless or incompetent officers, whether that infidelity or incompetency arose from intermeddling in elections, or from any other cause. When did he ever recommend to Congress to pass such a law? He knew they had no such power, and that he had ample power to make all his subordinates behave themselves. My colleague asks, when did a minister of England or France ever interfere in an election, as did the Secretary of the War Department, last fall, by writing a letter to South Carolina? Now, sir, I have no very intimate acquaintance with ministerial doings in England or France, but I am yet to learn of that scrupulous nicety, that fastidious delicacy on the subject of elections, claimed for them by my colleague. Sir, I have read with inexpressible disgust, of the foul corruption, openly practised, to secure a seat in the House of Commons of Great Britain. Seats in that body are purchased. Great as seems the salary of your President, instances exist of a much larger amount being paid by a candidate for a seat in the House of Commons. That country, sir, where not one man in many thousands is entitled to suffrage, can, in no manner, form the illustrations for us which gentlemen are so urgently pressing. I respect not the British examples about elections, or office holding.

But, Mr. President, to the other point, I know nothing of the letter of Mr. Poinsett, which has been so harshly spoken of by my colleague. I know not when, to whom, or about what, it was written; or whether it was an original or responsive letter, and therefore cannot defend or condemn its contents. But this much I will say; no man cares or thinks less

than I do about what is called *dignity of office*. The office of Senator of the United States, has, by many, been considered in that aspect as second only to that of the President; and I am yet to learn that a Secretary of a Department, having a temporary residence in this city, is to be rendered odious for writing a political letter to his native State, where he has left, for a time only, his friends, his property, and all his dearest rights, whilst a Senator may, with perfect propriety, write letters to a distant State, in which he has no such stake or interest. It will be readily perceived that I allude to a letter written to Pennsylvania, pending an important state election!

Mr. President, I must omit many things I might say in reply about this bill; and say that I utterly disagree with my colleague as to all his mighty compliments on the British system, as affording examples for us. No man is more disposed than I to pay the just tribute to those immortal patriots, who have occasionally risen in that nation, and fallen martyrs to the true spirit of freedom. Locke, Sidney, Russell, Hampden, and others, will be ever dear to the friends of liberty. But I deny that it is to them we owe our freedom. In support of this doctrine so warmly pressed, allusion has been made to the early settlers of our country. I deny that any support for such principles can be drawn from those men who first landed on the barren rock of Plymouth, the burning sands of Carolina, or the island of Jamestown. Their history affords no countenance to this doctrine. They fled from the persecution and oppression of that Government, now so lauded by American Senators; they preferred to encounter hunger, and all the terrors of savage man and wild beasts, than to submit longer to the oppression of that Government, which is, in this chamber, exhibited as a model for our imitation. These people were persecuted and oppressed for two hundred years by that Government; they, with filial obedience, during that whole period, were unresisting; but at length were obliged to raise their hand against a cruel parent, and fight, yes fight, for the liberty and freedom we now enjoy. And am I, sir, by subscribing to all the fulsome compliments to the British Government, to charge upon my glorious ancestors the crime of *parricide*. No, sir; no, sir. I totally deny the truth of the contrast which has been drawn between the two Governments in favor of England. In the conflicts of the Revolution, in the appeals then made to the justice of the mother country, and in drafting our public papers, reference might well be had to British *magna charta*, and to the writings of Locke, and other British patriots. But that time is passed away—we have a *magna charta* of our own, a glorious one, *written*. Yes, sir, written with a pencil of light. Here it is, sir, (holding aloft the Constitution.) By that sacred instrument do I choose to be guided, without any reference whatever to British "*magna charta*" or British usages; and whenever any measure is proposed, I am willing to adopt the golden rule laid down in Madison's report, to test its constitutionality. "The first question is, whether the power is expressed in the Constitution?" If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is *properly an incident to an expressed power, and necessary to its execution, &c.* If by this rule the bill before us is tested, it cannot gain favor with the American people. Nor have we further use for the writings of Locke to define our liberty. We have those of Jefferson, Madison, Taylor, and hundreds of others, whose paths we can safely follow. Sir, those who are perpetually quaffing from the pure fountains, as they call them, of Locke and other British writers, but too frequently, before their thirst is slaked, are found drinking from the muddy pool of Filmer; yes, sir, the exploded doctrines of Filmer; that man is not capable of self-government lies at the bottom, and is the necessary inference from all these fine theories drawn from British writings and British practices. My colleague should recollect, in all his learned, and, in my opinion, mistaken applications from England to this country, this great essential difference between the two

Governments, which constitutes our great shield. There, they have septennial elections and an hereditary monarch; here, we have *frequent elections* and twenty-six separate, independent Governments, all watching with ceaseless vigilance the movements of each other, and of the General Government, common to them all; and, sir, if my colleague could only look with the same Democratic eye of faith and admiration for the precepts of the immortal Jefferson he has often professed, he would admit that there is nothing in the character or history of his life, or in any word in his writings, that does not put upon the whole British system the seal of his abhorrence and detestation. Yes, sir, is that system quoted in this Senate as a model for imitation, and as an argument in favor of the present extraordinary and abominable bill! I could cite innumerable passages from the writings of Jefferson to sustain me, if time permitted; but I am admonished to draw to a close on this subject, and pass on to others. I am, sir, a Democrat of the school of '98. I have never changed my name nor my principles. My colleague well recollects Mr. Jefferson's prophetic history of the change of names which the old Hamiltonian Federalists would assume; but I doubt whether his prophetic spirit could keep pace with the extended nomenclature of the present day.

Mr. President, one word more about this jealousy of Executive power. I have shown that it is against Federal power in *all* its departments, that the States ought to be jealous. What has been the history of the Government as to this point? Every two years shows you great changes in the popular branch of your Government; and they are very often occurring here by the power of a vigilant people. Yet, sir, in a period of fifty years there have been only two instances in which the President of the United States has not given satisfaction to his constituents—only twice in the thirteen elections we have had of a President, have the people expressed their disapprobation of his conduct. Your Congress has passed unconstitutional laws; one or more judges have been impeached, but there has not been an instance yet in which the President of the United States has been impeached. No, sir, with all the bitter opposition which each of them has encountered, not one has yet been impeached! Then why all this railing against the danger of Executive usurpation? Who does not see that it is unfounded, and all for party aggrandisement. Sir, when, some few years ago, an honorable Senator from Kentucky, now in my eye, [Mr. CLAY,] offered to the Senate a resolution condemning and censuring in strong terms, the official conduct of the then President of the United States, it was deemed to be a sort of *quasi* impeachment of that high officer, and my colleague promptly stepped forward, and, by an able speech, and an efficient vote, aided to *expunge* the resolution from your journals, on which it had been recorded; and, yet, sir, he is *now* alarmed at the mighty "*persuasive*" powers of these poor gaugers, weighers, and tidewaterers! He is frightened about Executive patronage. Sir, I must pass on. My colleague, on this subject, as on many others, admonishes us against the "*mad dominion*" of *party spirit*. Yes, sir, very much has he said about motives, about party and *party tactics*, and *party dictation*, and about patriotism and elevated, statesman-like views, and all that. Not less strange than new is it to hear him thus railing against *party*!

I have nothing, sir, to do with the patriotism or motives of any gentleman. I only claim for myself all that any Senator can ask and receive on that score; while I set up no special claim to those great statesmanlike views, rising above all party feeling, of which we are so often reminded by my colleague; and whilst I boast not of a patriotism warmer, or motives purer, than those of others, yet, sir, I am bold to say, that I am utterly unconscious of ever having been actuated by any vote given in this chamber by any other consideration than a free, independent, and unbiased desire to promote the public good. I came into this chamber, and am at this moment, as free

as any man in it to pursue, on all questions which may arise, whatever course my own conscience and judgment shall indicate as most conducive to the best interests of the nation. I had no consistencies to establish, no inconsistencies to reconcile, no resentments to gratify, no heart burnings to appease, no favors to ask, no hopes to indulge, no fears to allay, and, thank God, *no ambition* to gratify. I brought with me no bantling scheme of my own; and have most patiently and attentively listened to all that have been proposed by others, to give ease to the public mind, and promote the great interests of our beloved country. And if, sir, like the fabled *Momus*, there was a glass in my bosom, I would not hesitate to permit all the world to look in upon the operations of my heart, in regard to the great national questions we have agitated in this chamber. But, Mr. President, candor requires that I should admit that, on such an inspection, it would not be found that those operations were beyond the reach or influence of party. I admit, sir, that they are much controlled by party feelings. I pretend not to be beyond or above the influence of party. I am a party man, and glory in being so; for my heart tells me that *my* party feelings are the result of an honest, and an ardent, though, perhaps, mistaken or misguided, patriotism. I doubt not the word of any gentleman who says he is not influenced by party feelings. But, sir, it is almost inconceivable to me, how any man, who has taken an active part in the late political turmoils of the day, can be free from its influence. Whoever he may be, his temperament is very different from mine; and, I believe, from that of nine-tenths of the people of this country, and of England too; and I go further, and say that neither of these countries would long preserve their liberty, but for party spirit; and that the great principle of self-preservation will always afford a timely check to its mad or dangerous excesses. Of this truth we have recently had an exemplification at Harrisburg, in Pennsylvania, which is consolatory to every lover of the liberty and Union of America. Mr. President, in connection with this subject of party spirit, which my colleague now so bitterly reprobates, and in order fully to define my position in regard to some of the leading topics of the day, I beg leave to be permitted to take a brief and rapid review of the present Administration of the Federal Government, and its supporters and opponents.

Throughout America we have recently passed through a convulsive struggle to form a new Executive Administration. Violent, indeed, was that struggle. That party who, for eight long years, had so bitterly opposed all, ay, sir, indiscriminately all the leading measures of the late Administration, made a bold, grand, and well concerted effort to elect a Chief Magistrate entertaining their own feelings and opinions. Their opponents were equally active and untiring in their exertions to elect one who would, in the main, pursue the course of that reviled Administration; ay, sir, if you choose so to have it, who would "follow in the footsteps of his illustrious predecessor." They succeeded in those exertions, and elected the present Chief Magistrate. I, sir, in Virginia, in my individual capacity, took a zealous and open part, within my limited sphere of action, in aiding to bring Martin Van Buren, of New York, to the station he now so ably fills, and, was one of the organs of Virginia, in her electoral college, to bestow upon him the vote of that ancient Democratic Commonwealth. In that memorable contest, we encountered all that excited, nay, maddened, party spirit could address to the ignorance, to the fears, the prejudices, or interests of a virtuous people. The vocabulary of epithet was exhausted and heaped upon us. The *foulest* names ever given to a party were freely bestowed upon us by our ad-

versaries, and the *fairest* that ever adorned the friends of liberty, were assumed for themselves; but all, all, sir, would not do. The people could not be intimidated or deluded; they could not be "persuaded or dissuaded;" they could not be led or driven, to abandon those evident principles of republicanism they had so long and so dearly cherished. In vain, sir, had they been told that Andrew Jackson was a *despot*, a *knave*, and a *fool*—in vain had they been told, in one breath, that he was a *self-willed*, *obstinate*, *indomitable tyrant*, and in the next, that he was a *cypher*, a *supple tool*, a mere *automaton*, vilely used by others; and in vain, also, were they told by these same men, that the promises of *Martin Van Buren* could not be relied on; that he was falsehood and treachery personified; that, notwithstanding his oft declared opposition to a National Bank, he would, in his first message to Congress, recommend one in its most odious form, to be located in his favorite city of New York; and that, maugre all his honeyed words and fair promises about southern rights, and the sacred compromises of the Constitution, he would, before he was warm in the presidential chair, show himself to be in heart and deed a *Northern Abolitionist*! and much more such prophetic stuff, which I will not waste your precious time to recapitulate. Has he verified the forebodings of these men in any one of these particulars? I ask his friends, and I ask his foes; and for their complete and entire falsification, I appeal to the three calm, luminous, statesmanlike, republican messages he has already sent to the Congress of the United States; and I furthermore appeal to his whole conduct, both public and private, since he has filled the presidential chair. I have, it is true, heard much difference of opinion about the correctness and practicability of his views in regard to the finance and currency of the country; but I have heard no man yet doubt their *constitutionality*, or complain of the temper or manner in which they have been submitted to the consideration of Congress. And here permit me, sir, for *myself*, to say, that I have heard no man yet (and I have listened attentively to all that has been said here, and read much that has been written) who has answered the lucid arguments by which he has sustained them, or shaken the firm, republican, constitutional ground on which his recommendation of an independent treasury, in which to keep the people's money, secure from the clutches of bank or other speculators, is based. Mr. President, believing Martin Van Buren to be a Republican, and a statesman of the first order, I came into Congress with a predisposition, nay, sir, I might almost say with a pledge, and predetermination, to support his administration, not *wright or wrong*, sir; no, sir; not to "*register his edicts*;" no, sir; for I abhor and loath all dependence and *vassalage*, as much, or more, than those who now boast most loudly of their *independence* and patriotism and *disinterestedness*. I came here elected by those who contributed to elect him; and I came, sir, I repeat, determined to support his administration, as far as I possibly could, with a safe conscience, and not to abandon it for light and trivial causes; and, above all things, for any cause personal to myself. This course, I undertake to say, was expected from me by every man of every party in Virginia. I have thus far given to it an honest support; and, in so doing, my conscience and my

judgment sustain my course. Nor, sir, has it been necessary to my support of his administration, that I should concur in *all* his views and recommendations, any more than that I should have deemed it proper to become its bitter opposer, because I differed with him on any one measure of policy. That, sir, I have done, and am at all times free to do. It cannot be expected that there can, in the nature of the human mind, be a universal concurrence of opinion on every subject, even among those who generally agree. The whole country knows my course, from the first moment I took my seat in the Senate to the present time, in regard to the great subject of the public lands, on which I have differed entirely from many of my political friends; and, sir, had I been associated with my colleague during the administration of General Jackson, when he recommended the same policy in regard to them, which is advocated by his successor, I should have differed with *him, then*, with the same cordiality with which he *now* concurs with me. But, sir, a difference with the administration on this great subject has not, for a moment, indicated that it was my duty to oppose it out and out, and affiliate myself with those who avow "*uncompromising hostility to Martin Van Buren.*" No, sir, I have gone on steadily to give to his administration an honest, and a conscientious support; and let me add, sir, that as long as I shall remain here, and the President shall advocate the true principles of the Constitution and republican doctrines, as he has thus far done, that support will be continued with unabated zeal and pleasure. Does this, sir, define my position? No, sir, not as fully as I desire. My colleague, who has from time to time, and little by little, "*defined his position*" towards this administration, and *recently* in a manner which none here present doubt or misunderstand, was with me, or rather I should say, I was with him, as far as I had an opportunity to know, (and I had many,) in every thought and feeling, during the late warmly contested Presidential election; and, for the life of me, I cannot see why it is that we are now so wide apart in those thoughts and feelings about the administration, and administrators of the government. I know of no public reasons for this difference, and much less of any private ones. But, sir, either I or my colleague have entirely changed our positions, since we were sent hither; and I am reluctantly driven to put myself upon my country, to say whether it is I who have changed, as is roundly charged by my colleague upon all the friends of the administration.

Mr. President, before I came here as a Senator, I was personally acquainted with Martin Van Buren. My colleague knew him intimately; he had served with him in public life; he had stood shoulder to shoulder with him in this Chamber, in resisting the powerful and combined assaults which were made on the great measures of Jackson's administration; he had zealously supported his election to the presidency; he had voted for me as one of the electors of Virginia, substantially pledged to vote for him; and I have no hesitation in saying that, amidst all the foul charges brought against this then personal stranger to me, the support which my colleague thus gave me, strengthened my confidence in the correctness of the vote I had given for him at the *polls*, and afterwards bestowed upon him as a member of the Electoral College. On my arrival here as a Sena-

tor, I determined to endeavor during my stay in this city, to form a personal acquaintance with the president, and to judge for myself in regard to the many charges which had been brought against him. Accident has afforded me a fuller opportunity for this investigation than I could have anticipated; and, sir, I have scanned, with a scrutinizing eye, as far as my poor abilities would enable me, the character, opinions, and conduct of the *man*. I have, sir, when the "*curtain of ceremony was drawn to the skies,*" and when it was utterly impossible for him to know the operations of my mind, "*tented him to the quick.*" I have looked, but looked in vain, sir, for all those leading characteristic traits of non-committalism, and management, and intrigue, and "*mighty magic,*" wherewithal he was so loudly charged. I believe, sir, that his first message to the Congress of the United States has hushed forever all the croakings about his non-committalism; and that all the slang about his magic arts ceased as soon as it was found powerless to dupe and deceive the people.—Does any one pretend that the President has as yet violated any of the principles which those who elected, expected him to maintain? Let the continued, the untiring and remorseless opposition of the far greater part of those who opposed his election, answer the question; let those of them who now give either the cold, reluctant approbation of silence, or are willing to receive, as a "*good half-way house,*" the once by them denounced and reviled "*pet bank*" "*experiment,*" answer the question. And how is it, why is it, that I find my colleague now pulling kindly in the traces with these gentlemen, and charging upon the President *duplicity and deception*? But, sir, he says *he was the friend—the best friend—of the President*, for that he *advised* him beforehand—nay, sir, he *warned* him—not to recommend to Congress his scheme of a sub-treasury. Aye, sir, he advised the President, and he did not follow his advice; he warned him, and he did not heed his warning, but went on to discharge his high duty according to the dictates of his own judgment and conscience.

Sir, suppose that some kind friend, (and would that he could have found such a one,) knowing or suspecting that my colleague intended to recommend to Congress his favorite "*pet bank scheme,*" had have gone to him and told him that it was an exploded experiment; that it had been already fully and fairly tried, and, in his own impressive language, "*had signally and mournfully failed;*" and advised and warned him not to submit it; and that, notwithstanding all this, he thought it his duty to do as he did, and propose it to the nation: does he think that that friend should have manifested towards him the feeling and temper which he, on all occasions, now evinces towards the President?

My colleague has opposed all and every scheme thought of for the custody and disbursement of the public money, except the one which he introduced, which has notoriously met with less favor in Congress and elsewhere than any other yet suggested.—He condemns, with unmeasured censure, the President for again recommending to the consideration of Congress a financial plan, which, my colleague says, has been repudiated by the voice of Congress and the nation. He knows that the people have not yet finally or fully passed upon that plan. He knows that it has twice received the sanction of this body,

and each time been defeated by a small majority in the other House of Congress ; and yet, strange to tell, he who urges this objection to the President's plan, thus sustained, is perpetually pressing on Congress and the nation a scheme which, besides himself, finds but one supporter in the Senate, and very few, indeed, in the other House of Congress, or elsewhere—as though his plan had been less repudiated by the nation than the one submitted by the President, or the President of the United States was less authorised than he to “recommend to the consideration of Congress such measures as he shall judge necessary and expedient.” My colleague is opposed to the Bank of the United States, because, I presume, it is unconstitutional. He is opposed to the Sub-Treasury, because it will increase *Executive patronage*, because it will create two currencies—one for the people, and the other (the best) for the office-holders ! And, I suppose, because he advised and warned the President not to recommend it ; and as to a special deposit scheme, he says that is all a humbug. Nothing, sir, nothing but *his* own dear scheme of “State Rights banks,” or “Bank State rights,” I forget which he called it, will do for him ; and I am free to say that, after the fullest attention I have been able to bestow upon all that he has said in favor of this darling pet, I can distil from it nothing more than this—that having, on the emergency occasioned by the removal of the deposits in 1834 from the Bank of the United States, voted for the experiment of the State banks as fiscal agents, he is consistent in voting for them again.—Yes, sir, every change has been rung on the inconsistency of those who voted for them then, and now that they have “signally and mournfully” failed to answer the desired purpose, are opposed to trusting them a second time, whilst I have heard from my colleague not a word of reproof against those who *then* denounced his scheme as fraught with corruption and ruin to the country, and *now* “damn it with faint praise,” or stigmatize it as “a good half-way house.” Half-way where ? half-way to what ?—Why, sir, half-way between that constitutional treasury and that unconstitutional bank, between which, my colleague says, he would pause long before he would make an election !

Mr. President, I beg leave further to define my position, by saying that every day's reflection and observation—nay, that “recent events,” if my colleague prefers the phrase—confirms me in my conviction that the money of the people paid for the support of their Government, and no other purpose, should be kept in a treasury independent of, and uncontrolled by, any other Government, or the creatures of any other Government on earth ; and that I will try every possible feasible scheme which wise, patriotic statesmen can devise, before I will confide the public treasure—the taxes paid and intended by the people for specific purposes—to the uncontrolled custody (as uncontrolled it must be, for I agree with my colleague that a general scheme of special deposits is all a humbug) of any bank ; and least of all, of banks who owe their existence and allegiance to other governments, and whom we cannot, therefore, supervise, regulate, control, or punish. If you cannot exercise these powers in regard to these banks, when curators of the public money, it seems most clear to my mind that it should not be entrusted to them ; and if you can, it is equally clear that we

may bid an eternal adieu to all state rights, except what my colleague is pleased to denominate “Bank State rights.” Far be it from me, sir, now to go into any thing like an argument in favor of the Sub-Treasury. That task has long since been ably performed by others. Its principles are before the people ; and, like the principles of constitutional liberty and reform on other great occasions, may be slow, but will be sure. It has always been sufficient for me, that the system is supported by the plain principles of common sense and common honesty, and is notoriously the only mode contemplated by the framers of the Constitution, who denied to the Government the aid of a National Bank, and therefore could not have contemplated or anticipated that of State banks, in conjunction with the National Treasury.

Further, sir, to define my position in contradistinction to that of my colleague, and that which he now occupies in contradistinction to the one he occupied a few years ago, I beg leave to read to the Senate an extract or two from a speech delivered by him in this chamber, in the year 1834, on the occasion of the *removal of the deposits*. I know, sir, that efforts have been made to explain away that speech to mean something very different from what its words clearly import. If he has not, since that speech was delivered, changed his opinion, and shifted his ground, then indeed is language a most imperfect exponent of thought. I certainly have not changed my opinions on the subject of that speech—it was about gold currency. I shall never forget the pleasure with which I read it, and what golden opinions it obtained for my colleague with the entire Democracy of Virginia, or what heavy *denunciations* it brought upon him from those with whom he is now co-operating to make this a *bank paper government*. But to the extracts. He then said that “Of all *reforms*, social, political, or economical, required by the great interests of the country, that which is most urgently demanded, and which promises, in its *accomplishment*, the largest results of *utility security*, and public benefit, is beyond comparison the *restoration of the Government* to what it was intended by the framers of the Constitution to be a *hard money Government*. We are too much in the habit, Mr. President, of regarding the *evils* of a paper system as necessary and incurable, and of being content with the *delusive* palliation of those evils, supposed to be derived from the controlling supremacy of a National bank.” * * * “Whatever influence such an institution may be supposed to exert in preserving the *soundness* of the currency, that object would be much more effectually promoted by a return, as far as *PRACTICABLE*, to a *metallic* circulation. The *first* step towards that return is to let the bank of the United States go down. The ordinary channels of circulation being *thus* supplied with *gold and silver*, the *Government* would be prepared, without hardship to the public creditor, to *require payment of its dues* in specie, and *thus realize a reform*, than which none could be more deeply interesting, in every aspect, to the safety and prosperity of the country.” * * * “I conjure gentlemen, then, with ability so eminently fitted for this *great work*, to leave the Bank of the United States to its fate, and bring forward their *powerful aid* in an effort to *restore the Government* to its *true constitutional character and destination*—that of a *SIMPLE, SOLID, HARD MONEY Government*.”

Can language possibly be more plain, intelligible, or impressive than this? Sir, when I read this part of that memorable speech of my colleague, I thought of John Randolph, whose dulcet and peculiar tones of voice, methinks, I can still hear ringing in my ears: "This is a hard money Government—give me *gold and silver*—none of your trash—none of your rags—none of your paper money." These were the sentiments of that distinguished man, than whom, none better knew, or more sacredly revered, the meaning and spirit of the Constitution. These were the sentiments of the fathers and contemporaneous expounders of the Constitution; and, sir, they were the sentiments of my colleague, when he delivered his speech in 1834, if I can understand plain English. Yet, sir, I know that it has been recently attempted so to explain the above extract, as to give to it a meaning totally different from that which I gave, when I read it first, and which I give now. The word *PRACTICABLE* is seized upon to pervert its true meaning, and make this a Government of *STATE BANK PAPER MONEY*. Mr. President, *contemporaneous* construction of language is frequently, and most justly, resorted to in cases of doubt or difficulty. It has been a most efficient aid in settling doubtful phrases in our glorious Constitution. We are not without that aid in the present difficulty. Three days after the above speech of my colleague was delivered, Mr. WEBSTER, in a speech on the removal of the deposits, said: "The second suggestion is that which was made by the honorable Senator from Virginia, [Mr. RIVES.] That honorable member pledges himself to bring forward a proposition, having for its object to *do away with the paper system altogether*, and to return to an entire *metallic currency*. I do not expect that the honorable member will find much support in such an undertaking. Mere gold and silver currency, and the entire abolition of paper, is not suited to the times. The idea has something a little too Spartan in it. We might as well think of going to iron at once. If such a result as the gentleman hopes for were even desirable, I regard its attainment as utterly impracticable and hopeless. I lay that scheme, therefore, out of my contemplation." Mr. CLAY, in a speech on the same subject, said: "And what are the remedies proposed by those in possession of the Government None—none. Idle and visionary and chimerical schemes are indeed, sometimes thrown out, but even they are not seriously proposed. A member, not now in his seat, [Mr. RIVES,] had suggested one of these schemes, which is to *banish all paper circulation*, and to resort *exclusively to hard money*. A more wild and impracticable project never interred into the head of man." Here is contemporaneous construction for you. With the understanding of two such men, present on the occasion of delivering this speech, with my own understanding of it at the same time, and that of every human being whom I heard speak of it, I must be excused for not yielding my opinion to any quibble about the meaning, or import or bearing of a single word. I should like to know, sir, whether my colleague is *now* in favor of the "*hard money Government*" the framers of the Constitution intended to make ours? I should like to know the advent of the time when he *now* thinks it will be *practicable* to return to a metallic circulation?" As he advised, the Bank of the United States, which he considered the great impediment

to his political and financial *millennium*, was permitted to go down. And I should like, furthermore, to know, whether he expects his litter of state banks, trading on all the revenues of the Government, are likely to supply the "*ordinary channels of circulation with gold and silver*," and to aid in the "effort to restore the Government to its true *constitutional* character and *destination*—that of a *simple, solid, hard money Government*?" But, Mr. President, I will not longer dwell on this topic, but go on to define my position in regard to others.

I read attentively, at the earliest opportunity, the report of the Secretary of the Treasury, in answer to the call of my colleague on that officer, in regard to the manner of his executing the law authorizing him to sell the bonds of the Bank of the United States; and here, sir, permit me to remark, that I have not the least doubt but that the course of my colleague, on that occasion, was strictly parliamentary, because it was permitted; but it was certainly novel and unusual to say the least of it. On that call, he made a long speech, condemning in unmeasured terms that officer on the very points on which, by the permission of the Senate, he was about to *seek information*. Yes, sir, my colleague made three long speeches against the Secretary of the Treasury: in the first he prejudged him without hearing: in the second he condemned him without a trial, and in the third he attempted to execute him without the "benefit of clergy."

Mr. President, it is a mournful fact, that, owing to the imperfection of language, there is nothing which the wisest man can indite, that ingenuity cannot pervert to mean something totally different from what the author intended to convey; and had I, sir, perhaps have read the Secretary's report, with the same querulous temper and morbid feeling which seems to possess my colleague in regard to that officer, and also possessed the same ingenuity in collating and construing language to mean exactly what I wish it to mean, I too might have discovered black spots, and picked many flaws in it. But I do declare, that after an attentive perusal, with a sincere desire to see them, that report did not strike me as being in any manner obnoxious to the severe criticism and harsh rebukes which my colleague had in anticipation bestowed upon it. After his second speech, his review of the document, in which he confidently asserted that its appearance had fulfilled all his predictions about it, I read it a second time with increased attention, and a similar desire to detect its vices; and I was alike unsuccessful in discovering the frauds and cheats and juggling by which it had been characterized. Nothing upon earth is further from my mind, than to believe that the government has any, the remotest idea, of forming any, the slightest connection, with the banks, further than is justified by the existing laws, is demanded by the creditors themselves of the government, or grows out of the necessity arising from the neglect, nay, sir, I may almost say the refusal of Congress to provide and designate sufficient depositories for the funds of the government. If such an intention was manifested, it would, sir, be for those with whom I act to complain, and complain they would. It would seem to me that it would be a source of pleasure to my colleague, unless, indeed, he goes entirely for victory, and will not use banks at all, except in the precise

manner, and to the precise extent, he may think right and proper.

Sir, one of these bonds was sold. There is the solemn written contract for cash. But my colleague denies that any cash was paid, because, I suppose, the Spanish milled dollars were not lugged all the way from Philadelphia to this city, and counted out to the treasurer. The money, sir, was wanted for immediate use; and why? Because, sir, Congress sat here from the first Monday in December, 1837, to the 9th day of July, 1838, and did not, till the last moments of the session, make provision to meet the debts of the nation; most of them, too, growing out of appropriations made by that very Congress, when they knew there was not money enough on hand to meet them. That is the reason the money was wanted for immediate use; but it was not wanted here. It was wanted in Florida, on the Canadian frontier, and at distant points at the far West, and elsewhere, to pay your army and navy, and other public creditors; and was, in my opinion, wisely and prudently left in Philadelphia, whence it could be with facility and certainty, and "without cost or charge" to the government, remitted when or where it was wanted. Sir, is a sale less a cash sale, because my convenience or my interest induces me to leave the proceeds in the hands of the purchaser, subject to my order? My colleague seems to think that the terms of the law, "cash in hand," or "ready money," would require that the Secretary of the Treasury, or the Treasurer, should have actually received in his hands, should have fingered the millions of dollars. Sir, this sale was, to all intents and purposes, a cash sale. It so purports to be in the solemn written contract. It so proved to be, both to the Government and the Bank; and ought so to appear to my colleague above all others, as it was for specie, or its equivalent—that is, the notes of specie paying State Banks, which he thinks, "as much a constitutional currency as gold and silver," (which I do not.)

Mr. President, it is no part of my present plan to go into an analysis, or minute defence of the report of the Secretary. That work has been so luminously and efficiently performed by my friend from New York, [Mr. WRIGHT,] that a further prosecution of it would be supererogation. This, however, I will say, that after the most careful examination of his conduct, I do deliberately think that, when the situation of the country, the peculiar embarrassments of the currency, the emptiness of the Treasury in consequence of the failure of Congress, namely, to provide ways and means to meet their heavy drafts upon it—his entire privation, ever since the Spring of 1837, of the ordinary depositories of the public money, added to the many other difficulties he has had to encounter, shall be duly and impartially estimated—he ought, and will receive the thanks of the country, for his steady, patient, and untiring labor, and for his firm, persevering, and successful efforts to keep the currency of the country, as far as existing laws will permit, within the range and meaning, and limitation of the Constitution. But, Mr. President, the whole tenor and temper of the speeches of my colleague prove, beyond all doubt, on the mind of any man who heard them, that it was not the humble Secretary at whom his barbed and poisoned shafts were aimed. On a former, and a memorable occasion, when another Secretary of the Treasury was the

object of bitter denunciation in this Chamber, and was held to be responsible for acts required by the President to be done by him, my colleague proved that the Secretary was but the arm, the organ, of the President; and, but a few days ago, he said that the present incumbent was his mere "cat-spaw." It is not with a "cat-spaw" that he has been intending to deal on the present occasion. No, sir, he had higher game in view. It was at the President he aimed his javelin; no man who heard him can doubt it. And, sir, nothing that he said more astonished me, than to hear him—yes, sir, him above all other men—reiterating the stale slang about *Executive patronage*, and the "purse and the sword," and chanting over again the old "doleful jeremiad" about "a power behind the throne greater than the throne itself."

Mr. President, I know nothing about this wonderful thing called *Executive patronage*. I have never tasted of it, and cannot, therefore, speak of its blighting influence on the moral character and independence of those who bask in its sunshine. There was time, a few years ago, when it was said to be used to its utmost extent. Complaints of its use, and its abuse, were louder during a portion of General Jackson's administration than ever before, or since. My colleague was in Congress at that time: I do not recollect that he then raised his voice against this corrupting influence; but I do recollect that he received a pretty good slice of the patronage of that day. During the same administration, when a hero, a military chieftain, a conqueror, a warrior, indeed, who had done bloody service with his sword, sat in your Presidential chair, there was a prodigious outcry about this same danger from the "purse and the sword" in the hands of the Executive. My colleague was then a member of this body, and boldly stepped forward to prove that such an idea was absurd and ridiculous, inasmuch as the power to raise money, (the purse,) and the power to raise armies, (the sword,) were both by the Constitution, confined to Congress. The honorable Senator from Kentucky in my eye, [Mr. CLAY,] will recollect how fiercely my colleague contested this point with him, and how clearly he put down the inference he had erroneously drawn from an expression of Patrick Henry, about the States having parted with the "purse and the sword," by showing that Mr. Henry only meant to say that the States had given to Congress the power to raise money and to raise armies. And, after all this, is it not most strange, passing strange, that now, when a man of peace—a meek, mild, placid man—one whose whole life has been devoted to civil pursuits, and who, I dare say, never had an epaulette on his shoulder or a sword upon his thigh, is the President of the U. States, my colleague should feel alarmed about the "purse and the sword" being in the hands of the Executive! Sir, I can scarcely realize this. There is something amusing in the thought of danger from the sword in the hands of our little President. Why, sir, he could hardly lift a grenadier's broadsword; but, sir, it is the danger from these "legions" of officers, these "prætorian bands," whom our President is to head, sword in hand, and march to the Capitol, that has seized upon the imagination of my colleague. I hope he will get over his uneasiness on that score, and I assure him that it is too late in the day to frighten the people by such talk. If they could not be

alarmed by the sword of Andrew Jackson, they will not be afraid of his pacific successor. But, this other terrible thing that we used, in days of panic memory, to hear so much about, and which my colleague has revived—this “*power behind the throne greater than the throne itself*.” Perhaps, sir, if, when my colleague put himself behind the “*throne*,” as he informs us he did, and gave his “*advice and his warning*,” for they had been followed, and he thus, in his opinion, become the “*power behind the throne, greater than the throne itself*,” we might not now hear from him all these deep lamentations, these bitter denunciations, these fearful forebodings, with which he is attempting to excite the public mind.—Sir, when some days ago, I heard my colleague allude to certain Senators on this side of the chamber in a sarcastic, if not a sneering manner, as the *pillars of this Administration*, is filled me with strange feelings. I could but inquire where I was, and to whom I was listening. Before, and at the time, sir, when I was sent to the Senate by Virginia, I know well that that state claimed the proud honor of having on its floor a pillar of this Administration. Yes, sir, a lofty, bright, and adamant pillar; a pillar which had heretofore stood firm and unshaken against the many rude shocks, violent assaults, and wily arts of Whiggery. That pillar was my colleague. I was sent here to twine around and support it; I was sent here to cheer him on in that career, which had already rendered him as dear to the Democratic party of America, as it had rendered him hateful to the self-styled Whigs. My support, I well knew, could be but feeble indeed, except in the honest zeal with which it could be rendered; feeble as it might be, little did I think, and deeply have I been disappointed and mortified, to find that it has been totally rejected. Sir, feeble as I am, I will stand alone in this chamber, as the pillar of the Democracy of Virginia, and should the edifice be battered down over my head, and crush me to the earth, I had rather be the smallest fragment of such a pillar, which can be raked up from the rubbish, than to be the loftiest and proudest triumphal column, which those who contribute to beat it down can ever erect upon its ruins.

Sir, my colleague, strange to tell! deplores most bitterly any thing like party! He says, “*party, party; I go for my country!*” Sir, this was an exclamation worthy of a Brutus or Cato; but we do not now-a-days, often see such men as they. Sir, I take no exception to the remark, although the assertion by any one gentleman that *he* goes for his country may carry with it the inference that *those who differ* with him do not. No, sir, I take no exception, because the only way in which we can go efficiently for our country, is through the medium of party; and, sir, because there is such a universal admission by the contending parties in this country, that each has at heart the good of the country, that whenever I hear a man who deems it necessary to say that he cares not for party, that he goes for his country, it does not, in the slightest degree, strengthen my estimation of his patriotism. No, sir; far from it. Far be it from me to deny, sir, that my colleague has gone for his country. I have labored too often, and too zealously, to shield him from the immolating wrath of the Whigs, and to contribute to his elevation, to have doubted that fact. Sir, he has been highly and justly honored by his country. But he should never

forget that it was party which conferred upon him all those honors. Sir, I know of no man who has been more emphatically the child, the nursing of party, than my talented colleague. It was party that first sent him, a young man, into the Legislature of Virginia, where it had sent me a few years before. It was party that sent him to the Congress of the United States in the other end of this Capitol—the Democratic party. It was party that sent him thence as minister to France—the Democratic party. It was party which, on his return to America, sent him to the Senate of the United States—that same Democratic party. It was party that drove him out of this chamber—THE WHIG PARTY! It was party, sir, the *same old Democratic party*, that sent him back into it, and it *will be party*—a new party—the *Neutral party*, that will send him—I know not where—my sagacious and oft prophetic friend from Connecticut, (Mr. Niles,) thinks to the Treasury Department; or, as it is, in parlance, often called here, the Exchequer—(a custom, I think, “*more honored in the breach than in the observance*”)—perhaps, for what I know, to the White House itself; or mayhap to the dignified chair you now fill, in which *some*—not I; no, not I, sir—but in which some say he might be now calmly, quietly, and contentedly sitting if he had not been *quieted* out of it. But, sir, to this Neutral party. I must, in furtherance of my object to define my position, say something of it. I wish it to be most distinctly understood, that there is no neutrality in regard to party politics in my composition; and, such is my temperament, that I cannot well conceive how any man, (as I before said,) who has borne an active share in the storm of party politics which has long raged in our country can possibly enjoy that state of blessed quiescence and composure. When my colleague first began to file off from those ranks in which he had long stood a prominent and active member, he called himself a *Conservative*. Yes, sir; we heard then of nothing but the *Conservative party*—*Conservative*—a sweet, a honeyed word. But in a little time, those of us who did not agree with this Conservative party, were called “*SUBSERVATIVES*,” a very harsh and bitter word. These Conservatives, however, soon began to lose much of their sweetness, and became very spicy, and again changed their name, and called themselves the “*Spartan band*.” Yes, sir, we saw the Spartan band, with Leonidas at their head, forcing their way through the strong hosts of Democracy, over to the Whig camp; and now that they “*read their title clear*” to rank in that camp, they again change their names, and call themselves *neutrals*—yes, neutrals—and we now hear, as if from *Jupiter Tonans* himself, of nothing but the *thunder of the armed neutrality*. Now, Mr. President, I have said that I never was, and am not, a neutral in party politics. Should I ever become one, (which is very improbable,) I do sincerely hope that I may be enabled, with Christian meekness, to fold my arms, and say, “*God bless the Commonwealth*,” or, if that divine feeling is denied me, that I may, with the justice of Aristides, and the impartiality of Cato, look upon the battle-field, and suffer no consideration whatever to induce me, in any necessary intercourse between the great belligerents, to deal in articles “*contraband of war*.” And above all things, if the great law of nature and justice, self-defence,

shall drive me to arm as a neutral, that I may endeavor to deal my blows with strict impartiality; and, if any thing, look rather with a kindly eye to those who had ever been my friends and allies, and with one of suspicion and fear to that party who, through all time, had hated and reviled me. I do not mean, sir, to question or impeach the impartiality with which my colleague will discharge the delicate duties of a neutral armed at all points. I trust that it will be his intention to be strictly impartial in the blows which he says he will have to deal out on the right and the left. I do not know how deeply wounded, or how keenly pained have been the great belligerent Whig party, by the blows he has already inflicted on them; but candor compels me to say, that their adversaries, the Administration party, have felt that his sword "was sharper than a serpent's tooth."

But, sir, it may not be amiss to look a little further into this thing of a third party, no matter by what name they may call themselves. None that has ever arisen in this country, or in England, has lived long as a distinct, independent party. It is not consistent with the nature of man, or with the institutions of either of these countries, that such parties can long maintain a distinctive, separate existence; and if a minority, or third party, could long exist in this country, and wield the power set up for this aforesaid "*armed neutrality*," to regulate and control the conduct of the other two great parties, that is, to rule the will of a great majority of the people, I, for one, should think it a most deplorable case indeed; and have no hesitation in saying, that the pretension thus set up for this party is more dangerous to the liberty of the people, and more directly hostile to the principles of our blessed Constitution, than any I have ever yet heard urged against them.

Do you, sir, recollect the memorable third party, the Whig, the minority party, that sprung up about the year 1806? I am sure you do, much better than I. John Randolph, of Roanoke, was at the head of that party. Yes, sir, John Randolph—the great, the talented, the proud, the daring John Randolph, was its head and founder. Compared to any minority party, before or since, it was greatly superior, both in talent and numbers. And what became of it? It melted away; and in a few years not a trace or vestige of it was left.

"Like the snow falls in the river,
A moment white, then gone forever."
It was fierce and formidable for awhile: but it soon lost all its strength and dissolved, and its members took their stations in one or the other of the two great contending parties of the day; which, most assuredly, with some slight shades of difference, growing out of the altered condition of the country, and a change of name, were the same identical two parties that fought the battle of '98, and are now again struggling for ascendancy. It may be worthy of remark, as to that minority party, to state that John Randolph, with all his talents and zeal, and fiery temper, and love of conquest, never set up the pretension of "*an armed neutrality*." He laid no claim to the delusive inference, speciously drawn by sophistical analogy, and with diplomatic subtlety, from the position of Queen Catharine of Russia—to control the destinies of the nation, and subject the will of the majority to the power of a small minority of the people. No, sir; John Randolph, of Roanoke, with all his peculiarities, was, in many respects,

one of the purest republicans America has ever had. He adhered with pertinacious nicety to the principles of the Constitution, as its framers intended them, and not as its latitudinous construers would have them to be; and, above all things, he valued the great principal at the root of all our institutions, that the majority should govern the minority; and however haughty and aristocratic he might seem in his personal carriage, he more than once, in a manner, and under circumstances which evinced his devotion to that great principle, bowed to the "majesty of the people," when ostracized by a majority of their suffrages. No, sir, the great object of the third party, headed by John Randolph, in the year 1806, was to change the minority into a majority; and in that way, and that only, to rule the country. Failing in that plan, the party was dissolved, without a resort to arguments drawn from the position of *Queen Catharine of Russia*, to break in upon the great principle which lies at the foundation of our institutions. No, sir, John Randolph scorned, knowing that he was in a minority, to exert power in any other way. He scorned to hold the balance, and, as did the monkey in the fable, who weighed for the two cats, pinch off first from the one scale, and then from the other, till he had robbed them of all their cheese. Sir, the longest-lived minority party I have ever heard of, is the one which has existed for some years past in France, under the name of the *third party*. What has been its history? In reading, a short time ago, an extract from a French newspaper, I was struck with its speaking of the "*Sofa party*." I at first supposed that a fourth political party had risen up in France, to *confound their confusion*; but, on reading a little further, I discovered that the writer was speaking of the same old French third party that has made so much noise in the world, and which had acquired the cognomen of the "*sofa party*," because—what do you suppose, Mr. President, was the cause? Why, sir, because they are now so reduced in numbers that they can *all* sit together on a *sofa*! Such, sir, will be the fate of this *Conservative party*, this *Spartan band*, this *armed neutrality*. They may, sir, have to sit for a season on what, I believe, in some of our churches is denominated the *anxious bench*; and may, perhaps, be required to subscribe their faith, and give in their experience, before they can gain full admission into the temple of the great church militant of Whiggery, and take their seats on the *sofa*, alongside with the fathers and elders of that renowned sect.

Mr. President, I am truly sorry that I have been compelled to break silence at all on this occasion, and pained to be compelled to break it in strains which may not be agreeable to my colleague; but, sir, it is the misfortune of this life that most of our sacred duties are of a painful character. The one which I have been constrained to discharge this evening, is of that description. Being so, I have postponed its discharge to the last moment, and to a period when none could say that I was interfering in the relations now existing between him and our mutual constituents. No, sir; I have been perfectly content that, without any, the least interference on my part, he should manage those relations in his own way. I have meant no personal offence to him. This is not the place in which I should seek to indicate such a feeling, if I entertained it. My difference with him is entirely

of a political character; and it has been my pride, and frequently my boast, that that difference had not disturbed our personal relations. I only seek, sir, and this is the only time, according to my notions, (which may have been fastidious,) in which I could find the opportunity to present myself fully and fairly to our mutual constituents, in the antagonistical position which it has been most unexpectedly and painfully, my misfortune to hold towards my colleague, from the first moment I entered this chamber to the present. I stand where I did when I was sent hither by Virginia. *He*, however, has thought proper, at this critical moment, to throw himself, with all his great weight, into one of the scales of that balance in which we are both to be weighed; and it is not in my nature, sir, to permit that in which he has left me to stand alone, to "*kick the beam*," without a solitary feeble struggle to maintain its equipoise.

No man, Mr. President, in this Senate cares less than I do about retaining his seat in this Chamber. I would not, sir, to hold it for life, make an overture for the Whig vote of the Legislature of Virginia, or permit, knowingly, a single man in that Commonwealth to doubt my opinions in regard to this administration, or any of the leading measures or men of the day. To the Whigs, as a party, I am utterly and absolutely opposed: as individuals, no man is disposed more fully and more liberally to appreciate them than I. Some of the dearest friends of my heart are of them. Both in the General Assembly of Virginia and throughout that Commonwealth, there are Whigs, as they call themselves, whose friendship I am proud to enjoy. I have long enjoyed it. They know that I never did, and never will deceive them.

Now, sir, by way of summing up and recapitulating the definition I have desired to give of my position, in terms not to be doubted or misunderstood by any, I take leave to say, that at PRESENT ADVISED, I prefer Martin Van Buren as the next President of the United States, to any man who, to my knowledge, has been as yet named, or thought of his successor. I give him this preference, because I thus far in the main, approve of his administration of the Government; because he is in favor of a strict construction of the Federal Constitution, as laid down in Madison's celebrated report; because he is opposed to the Bank, a Bank or any Bank established by Congress or any other department or power of the General Government; because he is opposed to a system of internal improvement by the General Government; because he is opposed to a protecting tariff, and is for quadrating, as near as possible, the revenue of the country, to a reduced expenditure of public money, so as never again, if avoidable, to have a large surplus fund in the Federal Treasury with which to debauch the State Governments and demoralize the people. And last, though not least, I am for him because he is a "NORTHERN MAN WITH SOUTHERN FEELINGS." Thanks to him for the stand he timely and magnanimously made, and is ever ready in the hour of need or peril to make, for the sacred compromises of the Constitution in regard to that great, vital, and delicate subject which is at this moment, a burning torch in the hands of those vile incendiaries of the temple of our liberty and the Union. *He* did not, sir, wait till

the battle had been fought and won before he defined his position to the vile abolitionists. *He* stood side with us during the "*heat and burden of the day*." No Southern man ought ever to forget his stand on that question. Mr. President, my colleague has very frequently advised and invoked the Administration members of the Senate, of whom he knows *me* to be one, to bethink themselves, and pause in their mad career of party, and change their course. Let me now, sir, in turn, most earnestly and anxiously implore him to pause; yes, sir, to pause—for it is not too late—and reconsider his position, and return to the fold of his old democratic republican friends, companions, admirers, and supporters. I do assure him that there is not one of them who is not grieved to part with him, and is not still willing to give him the fraternal hug, and forgive and forget all that has passed. We have required no sacrifice by him of his opinion or his conscience on any isolated measures. We are all prone to differ from each other in opinion, and it is the part of charity and kindness to think nothing of minor differences. There is nothing, sir—I know it—there is nothing about which my colleague was ever more mistaken, than in the intimation, if not the assertion often made by him, that there was a settled purpose to drive him from the ranks of the Administration party! When the first symptoms of his disaffection were manifested, no mother ever treated her infant babe with more tenderness than his old political associates in this chamber were disposed to treat him, and they endeavored, to the utmost of their power, and by all their conduct, to afford him no pretext of that kind, if he should ultimately determine to abandon our camp. And may I say to my colleague that, if any newspaper editor, or scribbler, or "organ," has injured or slandered him, he should have put it down to the freedom, if not the licentiousness, of the press; and that, under any circumstances, it is far below the "elevated, statesmanlike feelings" he professes, to make their abuse a justification for leaving a party with whom he has so long co-operated, and who would so willingly have continued in fellowship with him; and of his co-operating with those between whom and him there has been, for an equally long period, a reciprocal hostility of the strongest character. But, sir, if my colleague will not or cannot continue in communion with us, we may deplore, but cannot help it. And, sir, as, on a recent occasion, my colleague, imagining that he saw a marriage about to be solemnised between the Government and the Pennsylvania Bank of the United States, assumed, in the "name of his country, to forbid the bans," so, sir, should I perceive that a marriage is about to be solemnised between my colleague and the great Whig party, as I think certainly will be, unless there is the most cunning coquetry on the one side, or should be a cruel jilting on the other, I will assume in the name and behalf of the Democracy of my country, to confirm and ratify the bans, and give him away in marriage, (and certainly I never expected to stand sponsor to a runaway match;) and, sir, I will, on the solemn occasion, say to his new spouse, that we have parted reluctantly with one of our dearest and most favorite children—that if he is treated with kindness and distinction, he will be a valuable acquisition to his new connection—for that his dowry is rich indeed, consisting of all those precious family secrets, which we never impart to any of our children,

except to those of them who, we have good reason to think, will never quit the household, or marry out of the family.

Mr. President, I have done. I have discharged a painful duty. If any one thing, more than all others, could alleviate the painful task, it is the kind and profound attention with which the Senate, exhausted by a session of unusual length, have honored my remarks. My heart assures me that I shall never forget the compliment.

Mr. Roane having concluded his speech,

Mr. Rives rose and requested Mr. Norvell to yield him the floor. He would make an earnest appeal to the courtesy of that gentleman, as he considered it due to himself to reply to what he conceived to be a personal attack by his colleague.

Mr. Norvell replied, certainly he would yield the floor, if it was the intention of the Senator to go on with his remarks at once. He had three times already yielded the floor to gentlemen who made the request of him, and the Senator from Virginia [Mr. Rives] could not expect him to yield it for to-morrow.

Mr. Rives said it was his intention to reply at once. He confessed that he had never, in the whole course of his life, been so much astonished as he had been at the unprovoked and unjustifiable attack of his colleague. Had a thunderbolt fallen at his feet, he could not have been more surprised.—His surprise at the extraordinary course which his colleague had thought proper to take, was only equalled by his regret; a regret, excited not by any personal injury inflicted on him, but for the injury inflicted on the reputation which belonged to their common mother, Virginia, for all that was generous and chivalric. Although his colleague and himself had differed on important political questions for the last two years, yet they had always been on the most cordial and friendly terms; and never did he, until this moment, apprehend any other than the most friendly feelings. What was he to think of the manner of the attack made on him, and the time chosen for it? His colleague had spoken of the friendly and kind feelings he had entertained for him, and ascribed his silence hitherto to motives of delicacy; and yet he had come forward with a preconcerted attack on him for his course for the last two years; an indictment enumerating all his offences against the party for the last two years. Why, he would ask, did he reserve and treasure up all his indignation and excitement until this moment?—Was this delicacy? Did not his colleague know that now, at this very moment, in the Capitol of Richmond, his political enemies were consummating the sacrifice begun here? Yes, sir, said Mr. R. now, at this moment that my colleague has chosen to enumerate all the offences which I have committed for the last two years, the altar is prepared where I am to be immolated as the victim. His colleague no doubt had intelligence of this fact.

Mr. Roane here interposed, and said that his information received heretofore, and that which he had received to day, was of a different character. It left him no reason to doubt of the re-election of his colleague.

Mr. Rives continued. His colleague had selected the fifteen day of February, 1839, the day when his political friends at Richmond were, perhaps, doing public execution on me! Just as I am in what he and his party may call the last agonies of politi-

cal dissolution, but which I look on as the proudest moments of my life—just as I am about to depart to another stage of existence, he rakes up from every forgotten source a long catalogue of political sins for the last two years, and presents them to rack my conscience and distract my mind! Is this delicacy? Is this what might be expected from a colleague—a man, too, from the Old Dominion? He had heard from several sources that his colleague had sent, under his own frank, to various parts of Virginia, many copies of the virulent and outrageous attack made on him by the Senator from Connecticut, [Mr. Niles,] which was so entirely void of argument or reason that he had disdained to reply to it. Was this proof of his delicacy? He did not complain of this as being beyond the privilege of his colleague, but when Mr. Roane claimed credit for delicacy in the Senate, it is somewhat remarkable that he was not actuated by the same motive and feeling out of the Senate.

His colleague, Mr. R. said, had spoken of his Democracy, which was now, it seemed, the distinction which the dominant party arrogated to itself.—He had never said that he was a Democratic Republican. That title was unknown to our glorious fathers; the simple word *Republican* was their title, and it was his. This Government of ours is a Republic, not a Democracy. *Democrat* was the title bestowed on Republicans by the revilers of Republicanism, and was never assumed by the Republicans, at least south of Mason and Dixon's line. The distinguished ancestor of the gentleman, in whom the State of Virginia took such just pride, had never called himself a Democrat.

Mr. Roane here asked: "To which of my ancestors does the gentleman allude?"

Mr. Rives. To the late Judge Roane.

Mr. Roane. You are mistaken, Sir. He was a Democrat. He gloried in being a Democrat.

Mr. Rives continued his remarks, commenting on the efforts that were, he said, making in Richmond to defeat his election; again he alluded to the speeches of the Senator from Connecticut, which he said his colleague had franked to the members of the Virginia Legislature; and said that he had heard that his colleague had written letters to the members of the Legislature having the same object in view.

Mr. Roane remarked that his colleague had expressed a great deal of surprise and astonishment at what he was pleased to consider a wanton and unprovoked personal assault on him; but he, himself, had more cause for astonishment, that his colleague should think proper thus to characterize the remarks he had just made, and which, in his opinion, and he would fain believe in the opinion of every member of the Senate, were distinguished by great temper, moderation, and forbearance. After an almost total silence of nearly two years, while his colleague and himself had been in a state of opposition on the most important questions, he had chosen, at this time, the most appropriate of all others, to define his position more clearly; and in doing so, it was necessary for his own vindication, it was due to their mutual constituents, and to the occasion itself, that he should touch upon the course of his colleague, and point out distinctly and clearly where they differed, and the cause of their difference. He declared most solemnly, that he had been governed by no personal feelings whatever, and that nothing

had been said by him that had not been called for by a solemn though painful sense of duty.

From motives of the most perfect delicacy he had hitherto refrained from making the remarks that he did, and the restraint he had imposed on himself has been so strict as to excite in the minds of his friends some surprise, and, perhaps, cause them to misapprehend his motives. It was on this day, for the first time, that he considered the restraints which delicacy towards his colleague had imposed on him, were released. His information left him no reason to doubt the fact, that his colleague had been re-elected by a whig Legislature of the State of Virginia; and as his colleague had thought proper to define his position in a manner that would, no doubt, be gratifying to that party, he had chosen this day to define his position in as clear a manner, little caring for the effects it would have on his colleague's new friends. Nothing would ever have induced him to open his lips on the subject of the course taken by his colleague, while the election remained in doubt; but the day of election having been fixed, and believing, as he firmly did, that it was decided, every restraint was removed.

My colleague complains of the time and manner of the remarks that I have thought proper to make. He thinks I ought to have availed myself of the many occasions that have presented themselves, and that I should have defined my position, without attacking him. Now sir, I beg leave to say, that I have never complained of the time or times which my colleague had selected for his many developments, and I must claim to be the sole judge of the time when I choose to define finally and fully to our mutual constituents my own position; and, sir, I thought, and therefore chose to define it in contrast to that of my colleague's; it suited me to define it that way in preference to any other.

His colleague had been induced to believe that he had written letters to the members of the Virginia Legislature, calculated to oppose his re-election.—This, he took the occasion promptly to declare, was untrue. He had written but two letters, and these were strictly confined to answering inquiries that had been made of him, and were not intended, in any manner, to influence his election; in both of them the delicacy of my relation to my colleague was adverted to as a reason why nothing I might say, even in reply, should be brought to bear upon his pending election. He had scrupulously refrained from any correspondence with his numerous friends on the subject. But his colleague had objected to him that he had franked to member of the Legislature, in the course of the session, the speeches of a member of this body, which contained an attack on him. It is true that he had franked such speeches, as well as many others, and documents of various kinds, to the members of the Virginia Legislature; but in doing so, he exercised a right exercised by his colleague, and every Senator on that floor. He had considered it his duty to send information that he, in his judgment, deemed valuable to his constituents; and when he did this, he did it without distinction of party. When he sent documents to one member of the Legislature, he sent them to all—to Whigs as well as Democrats. His colleague, in the course of his remarks, had taken him to task for speaking of the Democracy of the country, and for calling himself a Democratic Republican; denying that he himself was ever a Democratic Republican, or that the Virginia Republicans

of '98 had ever been known as Democrats. Mr. R. said that his colleague, in the nice distinctions which he had drawn, would hardly suppose that he was ignorant of the meaning of the terms Democrat, Federalist, Oligarch, and Aristocrat. Sir, said Mr. R. I have never known a man in my life who was willing to acknowledge himself an Aristocrat or an Oligarchist.

I well know, sir, the impracticable attempt had never been made to form a perfect Democracy in this great empire. Sir, it could not exist even in this ten miles square; no, sir, we claim not the Democracy of Sparta or Athens; but, sir, I do contend that it was the intention of those who framed and adopted the Constitution, to create a Democratic Republic; ay, sir, a popular Government, a Government of the people, as contradistinguished from one not controlled by the people. Sir, I have never yet met with an American citizen, native or naturalized, who did not claim to be a Republican. Oh, yes, sir! that is a general phrase. It will embrace all of all parties. But who, sir, does not know that when the two opposite parties first drew to a head under Mr. Jefferson and Mr. Hamilton, one was styled the Democratic Republican party, in opposition to the Federal Republicans, who favored a latitudinous construction of the Federal Constitution, and whose doctrines have ever evinced a distrust of the capacity of the people for self-government.

Mr. Rives said the remarks of his colleague confirmed his impression that his colleague had not followed the promptings of his own heart in this business. The reproaches of his party had urged him on. He believed that when Mr. Roane's mind had recovered its usual sober tone, he would feel how gratuitous had been the assault upon him.

He again alluded to the probability of his soon leaving the Senate. Had the situations of his colleague and himself been reversed, he could not have made the attack on such a day, nor could he have sent off an abusive speech against his colleague, as had been done, without sending off its antidote—the reply.

Mr. Roane said: One word, Mr. President. I take occasion to assure my colleague that he is utterly and totally mistaken in supposing that I have been prompted or influenced, in the course I have pursued this evening, by any person whatever. My colleague is perfectly ignorant of me if he supposes that every member of this Chamber, or all the people on earth could have instigated me to an act which he did not approve. Sir, I alone, and of my own motion, have done, at my own proper time, and in my own manner, what I have done. Not a human being in this Chamber knew, or, I believe, suspected, that I intended to address the Senate. Sir, whenever I may repent of the course I have taken, as is intimated by my colleague, I shall have the frankness and magnanimity to apprise him. I again repeat, that my quarrel with my colleague is not personal on my part, but entirely political. If that assurance, made by me more than once, is not received, why sir, I must be constrained to say, that I cannot care for it.

Mr. Niles remarked that he was sorry that his poor speech should have been drawn into the controversy between the two honorable Senators from Virginia. Among the "private griefs" of the Senator over the way, [Mr. Rives,] and the complaints he has preferred against his colleague—that of his having sent, under his frank, Mr. N's speech

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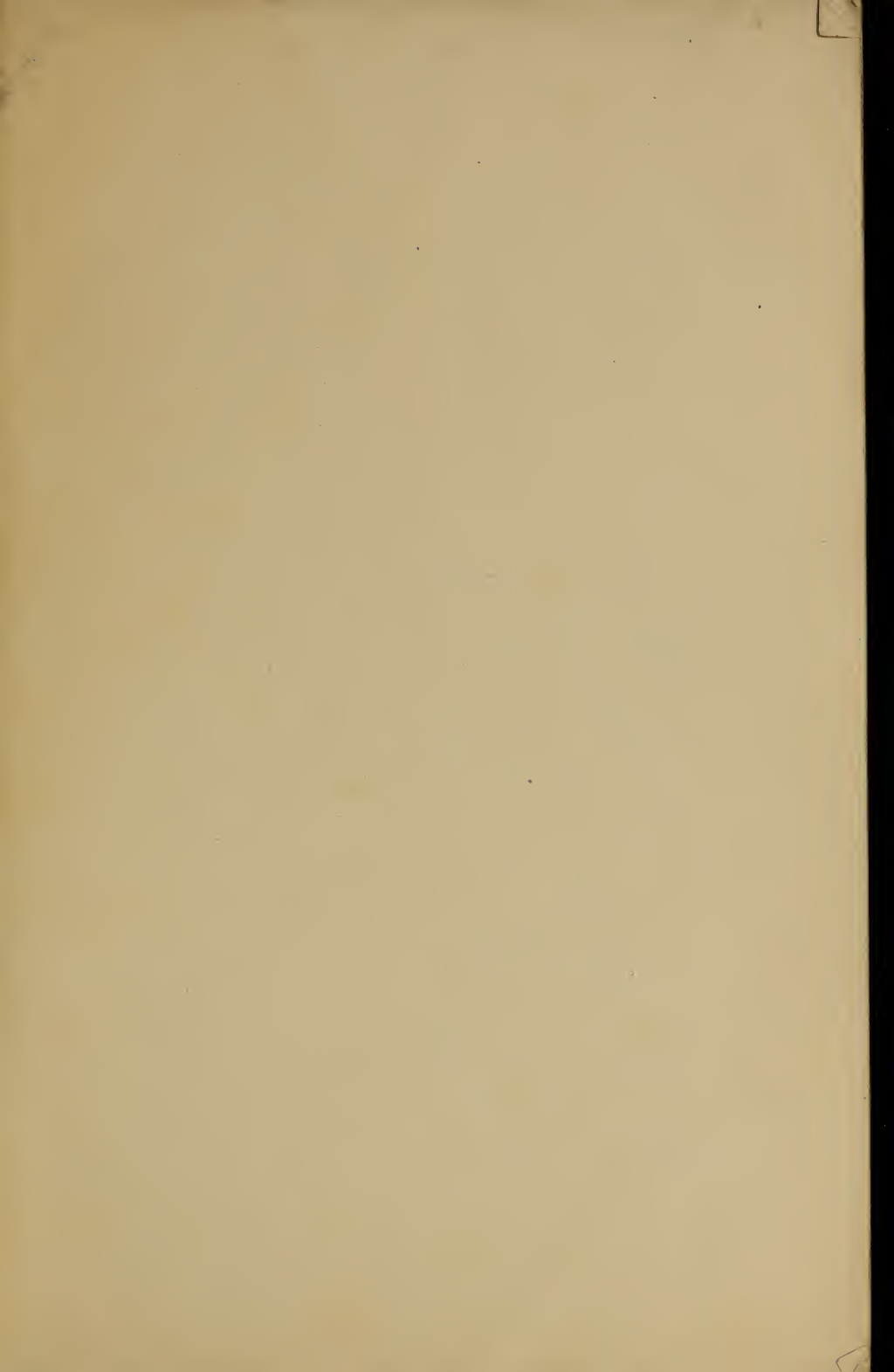
to his constituents—seems to be regarded as one of the greatest magnitude. The Senator characterized that speech as virulent and abusive—so much so, that he had not, and should not, reply to it. That, Mr. N. said, was a matter which concerned the Senator, and not himself. He can reply to the speech or not, as he pleases; that is a question for him to decide for himself. But he was surprised to hear that his speech had given the Senator so much uneasiness, when it is deemed to possess so little merit as not to be deserving of a reply. And he regretted that his friend [Mr. Roane] should be censured for distributing his speech to his own constituents. He held himself responsible for his own sins, and did not wish them transferred to his friend from Virginia. The Senator on the other side of the hall [Mr. Rives] seemed to regard his speech as a sort of contraband article, which could not be lawfully distributed.

Whether the speech was virulent and abusive or not, was a question which he should not undertake to decide; he left that question to the judgment of the Senate, and the intelligence of the country. But he wished to remind the Senator that the speech was delivered in reply to two speeches of his, and, if it was virulent, the virulence originated with the

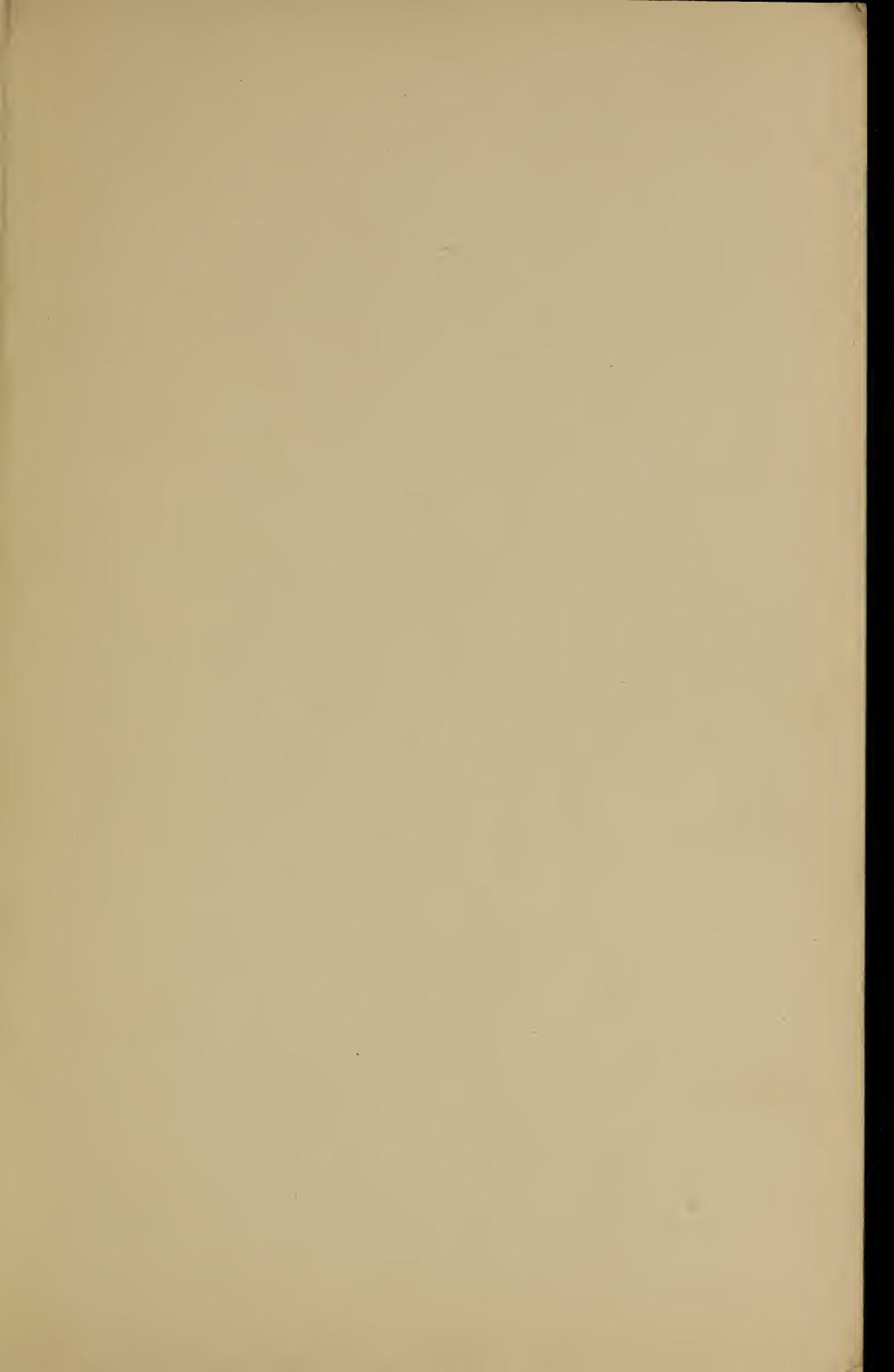
gentleman himself. If his (Mr. N's) speech was more violent, abusive, or in any respect, unjust towards the Senator, than his speeches to which it was a reply, he was never more mistaken in his life. The gentleman's speeches were filled with virulence, crimination, and denunciation of the Administration, and made in advance of the facts upon which they were pretended to be founded. They charged the Secretary of the Treasury with deliberate fraud, and represented him as a "catspaw" to the Secretary of War. The supporters of the Administration on this floor, were, by implication at least, charged with being the tools of party, and the vassals of the President. Their motives were impeached, and it was boldly insinuated that they had no higher motives of action than party interests, and the "rallying cry of party." Such was the language the Senator applied to the members of the Administration and its supporters on this floor; and yet the Senator complains that his (Mr. N's) speech was virulent and abusive. He was aware that those who are most unreasonable and abusive towards others, were often the most sensitive to abuse themselves. But, what with justice the Senator complains in this case, he would cheerfully submit to the Senate and the country.

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